

REMARKS

By this amendment, claims 54-59, 61-66, 69-75, 78-83, 87-88 are pending in the present application, of which claims 54 and 72 are currently amended. Claims 1-53, 60, 67-68, 76-77, 84-86 and 89-90 have been canceled without prejudice or disclaimer. No new matter is introduced.

Applicants have amended the independent claims 54 and 72 simply to change the claimed condition with respect to the number of networks that are available for delivery of the user content. Specifically, the amendment changes this claimed condition from “wherein **a plurality of networks** are available for delivery of said user content and none of the plurality of available networks would satisfy the delivery cost constraint,” to the condition “wherein **one or more networks** are available for delivery of said user content and none of the one or more available networks would satisfy the delivery cost constraint.” Accordingly, by this amendment, Applicants have changed only the number of networks that are available for delivery of the user content from a plurality of networks to one or more networks. As presented below, Applicants respectfully submit that the present amendments have not affected the allowability of the present claims over the art of record, and thus, as amended, the claims of the present application are still allowable.

Applicants submit that the combination of *Ramasubramani et al.* (US 6,314,108) in view of *Guilford et al.* (US 7,433,929), cited against the independent claims 54 and 72 in the prior final Office Action of 5/25/2010 (hereinafter referred to as “the Office Action”) do not render claims 54 and 72 (as presently amended) obvious under 35 U.S.C. § 103(a). As acknowledged in the Office Action, “Ramasubramani does not explicitly teach establishing a set of user content delivery preferences relating to user content to be delivered at a future time, wherein the set of

user content delivery preferences comprises a delivery cost constraint indicative of a maximum cost that a user is willing to pay to have the user content delivered; the request directed to the user content for which user content delivery preferences have been established and selecting between at least two network being based on at least the delivery cost constraint.” (*Office Action*, page 3, lines 8-14) Instead, the Office Action cites to Guilford for the alleged disclosure of the claimed elements of establishing user content delivery preferences comprising a delivery cost constraint and selecting between at least two networks based on the delivery cost constraint. (*Office Action*, page 3, lines 8-14) The cited combination of *Ramasubramani* and *Guilford*, however, fails to disclose or suggest all features of the claims, as amended.

The teaching of *Ramasubramani* relates to centralized network access for wireless network carriers providing network access to wireless communication devices. (*Ramasubramani*, Abstract) *Ramasubramani* discloses a network gateway (or proxy server) that provides various wireless network carriers with access to a network of computers having different wireless network characteristics. In one embodiment, the *Ramasubramani* teaches the use of airlinks (or network drivers) to support the communications between the network gateway and the various wireless network carriers. As cited by the Examiner at col. 15, lines 32-55, *Ramasubramani* discloses the selection of an appropriate airlink for a reply to a request based on the session data, by associating the airlink with the original source address which now corresponds to the target address for the reply. (*Ramasubramani*, col. 15, lines 41-46) In other words, *Ramasubramani* discloses the selection of an appropriate airlink (among multiple currently available airlinks), based on an address for the reply. In contrast to the teaching of *Ramasubramani*, however, the present independent claims 54 and 72 claim that, wherein none of one or more available networks meet a predetermined delivery cost constraint, and at least one

additional network subsequently becomes available, the additional network is selected for delivery of the user content based on at least a cost for delivery of the user content in view of the cost constraint. Accordingly, *Ramasubramani* fails to disclose or suggest the selection of a further network based on the delivery cost constraint, as presently recited by independent claims 54 and 72.

Turning to *Guilford*, *Guilford* provides a system and method for selecting a wireless network from a plurality of wireless available networks. (*Guilford*, Abstract) The method comprises determining a requested service associated with the wireless device, determining whether one of the plurality of wireless networks can provide the requested service, and, if one of the plurality of wireless networks can provide the requested service, choosing the one wireless network of the plurality of wireless networks. (*Guilford*, Abstract) Further, according to *Guilford*, the selection of the wireless network for servicing the requested service from the wireless device may be based on a variety of parameters, including quality of services, application supported, other business factors such as roaming agreements, traffic load and cost of services. (*Guilford*, Abstract) As cited by the Examiner, at col. 7, lines 1-24, and at col. 15, line 61 to col. 16, line 34, *Guilford*, as with *Ramasubramani*, teaches the selection of one wireless network (among a plurality of currently available networks) based on various selection parameters. For example, *Guilford* teaches the selection of a wireless network based on a predetermined load limit of the available networks. (*Guilford*, col. 15, line 61 to col. 16, line 1) If the load limit has not been reached, then the routine continues to service the wireless device from the current network, and, if the load limit has been reached, then the routine determines whether another network having overlapping coverage in the home service area can provide the requested service. (*Guilford*, col. 16, lines 1-6) If, however, the load limit has been reached,

and no other available network can provide the requested service, then the subscriber remains with the current home network to receive the requested service. (*Guilford*, col. 16, lines 7-13) Accordingly, *Guilford* similarly fails to disclose or suggest the selection of a further network based on the delivery cost constraint, as presently recited by independent claims 54 and 72.

Moreover, as presented in the Applicants prior response to the Office Action, filed on August 25, 2010, Applicants amended independent claims 54 and 72 to recite the aspect of “maintaining a log of session activities that have occurred with respect to the terminal.” Prior to that amendment, dependent claim 55 introduced the aspect of maintaining a log, however, the log recited in claim 55 consisted of “a log of the sourced user content.” The rejection of claim 55 set forth in the Office Action first acknowledged that the combination of *Ramasubramani* in view of *Guilford* fails to disclose the maintenance of a log of the sourced user content. The rejection then relied on *Wang* for the alleged disclosure of this aspect of claim 55. Specifically, the rejection cited to *Wang* at Paragraphs 81-85 for the teaching of “a content delivery system where a log is maintained in relation to sourced user content.” (*See Office Action*, P. 7, ¶ 22).

Wang generally teaches a content delivery system for the delivery of alerts regarding content to which a user has subscribed. The system of *Wang* categorizes the alerts in different categories, and each category is assigned a delivery mode. The delivery mode specifies a hierarchy of various delivery methods, whereby the system attempts to first deliver the alert by the primary method defined by the delivery mode (i.e., instant messaging). If the primary method fails, the system will attempt delivery via a secondary method defined by the delivery mode (i.e., email). The process continues until the delivery is successful or all defined delivery methods of the delivery mode are exhausted.

The cited paragraphs 81-85 of *Wang* disclose a process whereby the content delivery system provides for an acknowledgement field to indicate that an acknowledgement is expected, and a time-out period for the acknowledgement. If the acknowledgement is not received within the time-out period, then the delivery will be deemed to have failed. Considering this disclosure in view of the rejection of claim 55, while the indication that an acknowledgement is expected may be considered as a log “in relation to the sourced user content” (as stated in the rejection), this acknowledgement process of *Wang* fails to teach or suggest maintenance of a log where the log comprises “a log of the sourced user content” (as recited in claim 55). Moreover, as presented above, amended claims 54 and 72 recite the maintenance of a log of session activities that have occurred with respect to the terminal. Based on the reasoning presented above, *Wang* also fails to disclose or suggest the maintenance of a log of session activities that have occurred with respect to the terminal, as now recited in independent claims 54 and 72.

Accordingly, neither of the applied references, alone or in combination, teaches or suggests the claim feature of maintaining a log of session activities that have occurred with respect to the terminal, and thus the combination of Ramasubramani in view of Guilford and further in view of *Wang* thus fails to render the independent claims 54 and 72 obvious under 35 U.S.C. § 103.

Applicants, therefore, respectfully submit that the present independent claims 54 and 72, and claims 55-59, 61-66, 69-71, 73-75, 78-83 and 87-88 depending therefrom, are allowable over the art of record and are in condition for allowance.

Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

January 4, 2011
Date

/Phouphanomketh Ditthavong/
Phouphanomketh Ditthavong
Attorney/Agent for Applicant(s)
Reg. No. 44658

Craig Plastrik
Attorney/Agent for Applicant(s)
Reg. No. 41254

918 Prince Street
Alexandria, VA 22314
Tel. (703) 519-9951
Fax (703) 519-9958